

UTILITY OCCUPANCY
AND LOCATION AGREEMENT

Date Submitted: _____
Date Approved: _____

Applicant/Utility: _____
Telephone: _____

Route: _____
Agreement No.: _____
Highway Project No.: _____
Designation: _____
Control No.: _____
Address: _____
City: _____ State: _____ Zip: _____

- 1) Overhead facilities: _____ Size: _____ Type: _____

2) Underground facilities: _____ Size: _____ Type: _____

3) Other: _____

Location:

- 1) Longitudinal: _____meters(feet) from N - S - E – W R/W line from

Milepost (Station) _____ to Milepost (Station) _____

2) Centerline crossing(s) at Milepost (Station) _____

3) Downguys not in parallel with the roadway at Milepost(s) _____

4) Section _____, Township _____, Range _____, County _____

This installation is subject to compliance with the Administrative Rules of Montana 18.7.201 through 18.7.232, the Utility Occupancy Guidelines and the following requirements:

Construction Prints:

Prints are attached and incorporated by this reference. (Highway prints preferred) Distances from R/W line, centerline and existing utilities, to the proposed installation **must be provided**.

The utility will notify _____ in _____,phone _____, at least 48 hours in advance of any work detailed in this Agreement, except for emergency situations. After completing the work, the applicant must submit a Form R/W 131-B (attached) for approval.

- 1) The State shall not be liable to the general public for any injury to or death of any person whomsoever belonging when such injury, death, loss or damage arises out of or results from the construction, maintenance, or repair of existing or future utility facilities located within the highway right-of-way, or the installation or operation of such utility facilities within the highway right-of-way, regardless of whether or not the Department has expressed or implied approval of the construction, maintenance, repair, installation or operation of such facilities within the highway right-of-way.

2) This approval is granted with the understanding the installation will be made according to the plans as submitted. Field revisions may only be made with the approval of the District Administrator or designee. If the installation is not made as shown on the plans or approved amendment, the Department, at its discretion, may require the removal of the installation.

3) Any attachments to this agreement, including but not limited to Right-of-Way Form RW 131-B, are hereby incorporated by reference.

4) Additional Requirements:
- _____

The average turn-around time for a completed R/W131 permit application is 30 working days. A permit application will be considered complete when all impacts associated with the requested action have been reviewed and approved by all agencies affected by this action. The applicant is responsible for obtaining these necessary approvals.

Utility: _____

By: _____
Print Name: _____
Title: _____

Approved: _____ Disapproved: _____
(Date) (Date)

State of Montana
Department of Transportation

By: _____ (Date)
Title: _____

ENVIRONMENTAL CHECKLIST

(The following does not apply to utility relocations related to highway projects)

RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES		
	Y es	N o	Mitigation Measures for Items 1 through 5
1. Does the proposed action have an impact on any cultural resource? (Section 106-NHPA) *	<input type="checkbox"/>	<input type="checkbox"/>	
2. Does the proposed action have an impact on water quality?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Does the proposed project have impacts to wetlands? *	<input type="checkbox"/>	<input type="checkbox"/>	
3a. If the answer to number 3 is yes, is a Clean Water Act 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	
4. Is there documented controversy on environmental grounds? (For instance, has the applicant received a letter or petition from an environmental organization?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Does the proposed project involve hazardous waste site(s)? (Superfund, spills, underground storage tanks, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
6. Is the proposed installation a portion of a project which may require other governmental permits, licenses, easements, etc.? If the answer is "yes," please describe in general the full extent of the project and any other permits, licenses, easements, etc., which may be necessary for the utility to acquire. (Use attachments as necessary.) (Excludes 404 permits.)	<input type="checkbox"/>	<input type="checkbox"/>	

* If the answer to 1 is "yes," please see the first four categories on the bottom of this page in order to address mitigation measures. If the answer to 2 or 3 is "yes," please see the Five Categories of Mitigation on this page in order to address mitigation measures.

7. What will the proposed utility installation service? (for example a shopping mall of fifty business, a subdivision of 100 lots). *Information only.* This item does not require an action by the utility company. _____

8. Magnitude and significance of potential impacts: (To be completed by applicant by separate attachment) _____

Checklist prepared by: _____
Applicant Title Date

Reviewed for completeness by:

MDT District Representative Title Date

Approved by:

Environmental Services Title Date
(when items 1, 2, 3, 4, 5 or 6 are checked "Yes")

- A The applicant shall complete the checklist indicating a "Yes" or "No" for each item, except numbers 7 or 8 which may require a narrative response.
- B When a "Yes" is indicated on any of numbered items 1 through 6, the applicant must explain the impacts, and for items 1 through 5 any appropriate mitigation measures that will be taken. Use attachments if necessary. If the applicant checks "No," and the District feels there may be potential impacts, the Environmental Checklist must be forwarded to Environmental Services
- C If the applicant checks "Yes" for any one item, the occupancy agreement or permit along with the checklist and the applicant's mitigation proposal shall be submitted to MDT Environmental Services.
- D When the applicant checks a "Yes" item, or the District feels there may be potential impacts, the applicant cannot be authorized to proceed with the proposed work until Environmental Services and/or Transportation Planning, as appropriate, reviews the information and signs the checklist.
- E Applicant will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning installation of the subject utility.

THE FIVE CATEGORIES OF MITIGATION UNDER THE CEQ REGULATIONS

- ◆ Avoiding the impact by not taking certain action or parts of an action
- ◆ Minimizing impacts by limiting the degree or magnitude of the action and its implementation
- ◆ Rectifying the impact by repairing, rehabilitating, or restoring the affected environment
- ◆ Reducing or eliminating the impact over time by preservation and maintenance during the life of the action
- ◆ Compensating for the impact by replacing or providing substitute resources or environments